

Bill No. SB 1340

Barcode 703224 Comm: RCS 04/19/2006 04:33 PM

587-2223B-06

Proposed Committee Substitute by the Committee on Health Care

1 A bill to be entitled

2 An act relating to pharmacy technicians;

3 amending s. 465.014, F.S.; providing for the

4 registration of pharmacy technicians; requiring

5 the Board of Pharmacy to set fees and rules to

6 register pharmacy technicians; requiring an

7 applicant for registration as a pharmacy

8 technician to submit fingerprints; requiring

9 that a criminal background check be conducted

10 for each applicant; providing qualification

11 requirements; providing a limitation; exempting

12 pharmacy technician students and licensed

13 pharmacy interns from certain registration

14 requirements; providing continuing education

15 requirements for registration renewal;

16 requiring the board to adopt rules; providing

17 grounds for denial, suspension, or revocation

18 of registration or other disciplinary action;

19 authorizing the board to impose certain

20 penalties; amending s. 465.015, F.S.;

21 prohibiting a person who is not registered as a

22 pharmacy technician from performing certain

23 functions or holding himself or herself out to

24 others as a pharmacy technician; amending ss.

25 465.019, 465.0196, and 465.0197, F.S.;

26 conforming references; providing an effective

27 date.

28

29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 1. Section 465.014, Florida Statutes, is

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1 amended to read:

2 465.014 Pharmacy technician.--

3 (1) A ~~No~~ person other than a licensed pharmacist or
 4 pharmacy intern may not engage in the practice of the
 5 profession of pharmacy, except that a licensed pharmacist may
 6 delegate to ~~nonlicensed~~ pharmacy technicians registered
 7 pursuant to this section those duties, tasks, and functions
 8 which do not fall within the purview of s. 465.003(13). All
 9 such delegated acts shall be performed under the direct
 10 supervision of a licensed pharmacist who shall be responsible
 11 for all such acts performed by persons under his or her
 12 supervision. A registered pharmacy technician, under the
 13 supervision of a pharmacist, may initiate or receive
 14 communications with a practitioner or his or her agent, on
 15 behalf of a patient, regarding refill authorization requests.
 16 A ~~No~~ licensed pharmacist may not ~~shall~~ supervise more than one
 17 registered pharmacy technician unless otherwise permitted by
 18 the guidelines adopted by the board. The board shall establish
 19 guidelines to be followed by licensees or permittees in
 20 determining the circumstances under which a licensed
 21 pharmacist may supervise more than one but not more than three
 22 registered pharmacy technicians.

23 (2) Any person who wishes to work as a pharmacy
 24 technician in this state must register by filing an
 25 application with the board on a form adopted by rule of the
 26 board, together with a set of fingerprints, on a form and
 27 under procedures specified by the board and a payment in an
 28 amount equal to the costs incurred by the board for the
 29 criminal background check of the applicant. The board shall
 30 submit the fingerprints provided by an applicant for initial
 31 registration to the Department of Law Enforcement for a

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1 statewide criminal history check, and the Department of Law
2 Enforcement shall forward the fingerprints to the Federal
3 Bureau of Investigation for a national criminal history check
4 of the applicant. For any subsequent renewal of the
5 applicant's registration, the board shall submit the required
6 information for a statewide criminal history check of the
7 applicant to the Department of Law Enforcement. The board
8 shall register each applicant who has remitted a registration
9 fee set by the board, not to exceed \$50 biennially; has
10 completed the application form and remitted a nonrefundable
11 application fee set by the board, not to exceed \$50; has
12 submitted a set of fingerprints as provided in this
13 subsection; and meets the following requirements:
14 (a) Is at least 18 years of age.
15 (b) Is a high school graduate or equivalent.
16 (c) Within the 5 years preceding application, has not
17 been convicted of or pled guilty or nolo contendere to,
18 regardless of adjudication, any crime that relates to drug
19 trafficking or that otherwise directly relates to the
20 functions and duties of a pharmacy technician.
21 (3) A person whose license to practice pharmacy has
22 been denied, suspended, or restricted for disciplinary
23 purposes is not eligible to be registered as a pharmacy
24 technician.
25 (4) Notwithstanding the requirements of this section
26 or any other provision of law, a pharmacy technician student
27 may be placed in a pharmacy for the purpose of obtaining
28 practical training required by the body accrediting the
29 pharmacy technician training program. A pharmacy technician
30 student shall wear identification that indicates his or her
31 student status when performing the functions of a pharmacy

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1 technician, and registration under this section is not
2 required.

3 (5) Notwithstanding the requirements of this section
4 or any other provision of law, a person licensed by the state
5 as a pharmacy intern may be employed as a registered pharmacy
6 technician without paying a registration fee or filing an
7 application with the board to register as a pharmacy
8 technician.

9 (6) As a condition of registration renewal, a pharmacy
10 technician shall complete 20 hours biennially of continuing
11 education courses approved by the board or the Accreditation
12 Council for Pharmaceutical Education, of which 4 hours must be
13 via live presentation and 2 hours must be related to the
14 prevention of medication errors and pharmacy law.

15 (7) The board shall adopt rules that require each
16 registration issued by the board under this section to be
17 displayed in such a manner as to make it available to the
18 public and to facilitate inspection by the department and such
19 other rules as necessary to administer the provisions of this
20 section.

21 (8) If the board finds that an applicant for
22 registration as a pharmacy technician or that a registered
23 pharmacy technician has committed an act that constitutes
24 grounds for discipline as set forth in s. 456.072(1) or has
25 committed an act that constitutes grounds for denial of a
26 license or disciplinary action as set forth in this chapter,
27 including an act that constitutes a substantial violation of
28 s. 456.072(1) or a violation of this chapter which occurred
29 before the applicant or registrant was registered as a
30 pharmacy technician, the board may enter an order imposing any
31 of the penalties specified in s. 456.072(2) against the

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1 applicant or registrant.

2 Section 2. Paragraph (d) is added to subsection (3) of
3 section 465.015, Florida Statutes, to read:

4 465.015 Violations and penalties.--

5 (3)

6 (d) It is unlawful for a person who is not registered
7 as a pharmacy technician under this chapter, or who is not
8 otherwise exempt from the requirement to register as a
9 pharmacy technician, to perform the functions of a registered
10 pharmacy technician or hold himself or herself out to others
11 as a person who is registered to perform the functions of a
12 registered pharmacy technician in this state.

13 Section 3. Subsection (5) of section 465.019, Florida
14 Statutes, is amended to read:

15 465.019 Institutional pharmacies; permits.--

16 (5) All institutional pharmacies shall be under the
17 professional supervision of a consultant pharmacist, and the
18 compounding and dispensing of medicinal drugs shall be done
19 only by a licensed pharmacist. Every institutional pharmacy
20 that employs or otherwise utilizes registered pharmacy
21 technicians shall have a written policy and procedures manual
22 specifying those duties, tasks, and functions which a pharmacy
23 technician is allowed to perform.

24 Section 4. Section 465.0196, Florida Statutes, is
25 amended to read:

26 465.0196 Special pharmacy permits.--Any person
27 desiring a permit to operate a special pharmacy shall apply to
28 the department for a special pharmacy permit. If the board
29 certifies that the application complies with the applicable
30 laws and rules of the board governing the practice of the
31 profession of pharmacy, the department shall issue the permit.

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1 No permit shall be issued unless a licensed pharmacist is
2 designated to undertake the professional supervision of the
3 compounding and dispensing of all drugs dispensed by the
4 pharmacy. The licensed pharmacist shall be responsible for
5 maintaining all drug records and for providing for the
6 security of the area in the facility in which the compounding,
7 storing, and dispensing of medicinal drugs occurs. The
8 permittee shall notify the department within 10 days of any
9 change of the licensed pharmacist responsible for such duties.
10 Every permittee that employs or otherwise utilizes pharmacy
11 technicians shall have a written policy and procedures manual
12 specifying those duties, tasks, and functions which a
13 registered pharmacy technician is allowed to perform.

14 Section 5. Subsection (1) of section 465.0197, Florida
15 Statutes, is amended to read:

16 465.0197 Internet pharmacy permits.--

17 (1) Any person desiring a permit to operate an
18 Internet pharmacy shall apply to the department for an
19 Internet pharmacy permit. If the board certifies that the
20 application complies with the applicable laws and rules of the
21 board governing the practice of the profession of pharmacy,
22 the department shall issue the permit. No permit shall be
23 issued unless a licensed pharmacist is designated as the
24 prescription department manager for dispensing medicinal drugs
25 to persons in this state. The licensed pharmacist shall be
26 responsible for maintaining all drug records and for providing
27 for the security of the area in the facility in which the
28 compounding, storing, and dispensing of medicinal drugs to
29 persons in this state occurs. The permittee shall notify the
30 department within 30 days of any change of the licensed
31 pharmacist responsible for such duties. Every permittee that

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1 employs or otherwise utilizes registered pharmacy technicians
2 shall have a written policy and procedures manual specifying
3 those duties, tasks, and functions which a registered pharmacy
4 technician is allowed to perform.

5 Section 6. This act shall take effect October 1, 2007.

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